

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 BEES & ME INC.,

Plaintiff,

-against-

BESPORTBLE, BRITENWAY, BYONEBYE,
CLISPEED, CYFIE, DEERBB, FUNPA,
GLOSSRISE, HELY CANCY, HOUSE UR
HOME, LES YEU, LIBOBO TOYS, LIOOBO,
LITTOLO, MARPPY, MARXIAO SHOP,
NEPDOME, PANZISUN, RAINTOAD,
ROOCHL, SEISSO, SQSYQZ, STONISHI,
TOYANDONA, WAKAUTO, WE&ZHE,
XISHEEP, AND 58BH,

Defendants.

Civil Action No. 20-CV-5150 (LJL)

PROPOSED CONSENT JUDGMENT AND PERMANENT INJUNCTION

WHEREAS, on July 6, 2020, Plaintiff 3 BEES & ME INC. (“3-Bees”), initiated the instant action against Defendant BRITENWAY a/k/a Homey Homes, Inc. (“Brittenway”) for patent infringement under federal patent laws, 35 U.S.C. § 1, *et seq.* (“Lawsuit”);

WHEREAS, upon Plaintiff’s application, this Court entered a Temporary Restraining Order (“TRO”) on July 10, 2020;

WHEREAS, upon Plaintiff’s application, Plaintiffs have had restraints imposed against Britenway (and other parties who were in active concert or participation with Britenway who received notice of the proposed order, including Amazon.com) from promoting, marketing, advertising, distributing, offering to sell, and selling in the United States the Infringing Products.

WHEREAS, 3-Bees and Britenway have agreed in a separate Settlement Agreement of the matters at issue between them and to entry of this Consent Judgment and Permanent Injunction; its is hereby **ORDERED, ADJUDGED, AND DECREED THAT:**

1. This Court has personal jurisdiction over Britenway concerning this Lawsuit under Civil Practice Law and Rules Section 302 (a)(1) because Britenway operates Internet Storefronts, including on Amazon.com, Walmart.com and www.Britenway.com, through which customers in New York State can, and have purchased the accused products.

2. Plaintiff is the owner by assignment of U.S. Patent No. 884,087 S, entitled “Bathtub Toy Fastener” (“the ’087 Patent”), which was issued by the United States Patent and Trademark Office on May 12, 2020.

3. The ’087 Patent is valid and enforceable.

4. Britenway has been manufacturing, importing, marketing, distributing, selling and offering for sale in the United States certain bathtub basketball toys which infringe the ’087 Patent, the products which is depicted in Exhibit 1.

5. The TRO entered in this case, and the commands and orders set forth therein, are hereby dissolved and replaced by the commands and orders set forth in this Consent Judgment.

6. Britenway, its officers, directors, agents, servants, employees, attorneys, confederates, and all persons and/or entities acting for, with, by, through, and/or in concert and participation with them, or any of them, are hereby permanently enjoined from engaging in any of the following activities, including manufacturing, importing, exporting, advertising, marketing, promoting, distributing, displaying, offering for sale, and selling any of infringing products, including those toys identified in Exhibit 1 and any other toys that are colorable variations thereof, including but not limited to sales on its website at www.Britenway.com, on Amazon.com and on Walmart.com.

7. Britenway must disclose this Consent Judgment and Permanent Injunction to all of its successors and assigns.

8. In the event of any breach of the terms set forth in the Parties' Settlement Agreement, the party seeking enforcement of the Agreement shall serve a seven (7) day notice of default on the breaching party prior to seeking enforcement in a newly-commenced action in the United States District Court for the Southern District of New York, during which time the breaching party may attempt to cure the breach.

9. The parties, by themselves or through their undersigned counsel, hereby consent to the entry of this Final Judgment on Consent.

IT IS SO STIPULATED AND CONSENTED.

Dated: August 10, 2020

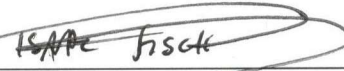
3 BEES & ME, INC.

By: 

Oleg A. Mestechkin
Attorney for Plaintiff
MESTECHKIN LAW GROUP P.C.

Dated: 8/10/20

BRITENWAY a/k/a Homey Homes, Inc.

By: 

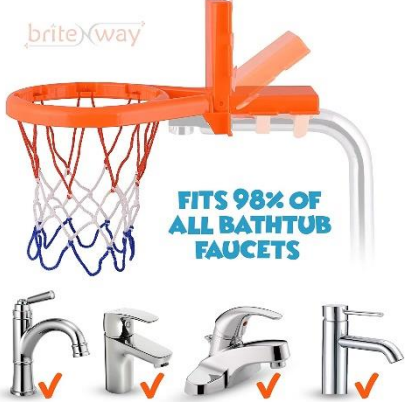
Britenway a/k/a Homey Homes Inc.
Attn: Isaac Fisch
1 Alpine Ct., Unit 104
Spring Valley, NY, 10977
ifisch@brittenway.com

SIGNED this 11th day of August, 2020.

A handwritten signature in black ink, appearing to read "L. Liman", written over a horizontal line.

LEWIS J. LIMAN
UNITED STATES DISTRICT JUDGE

EXHIBIT 1 –PRODUCTS

Brittenway Toys	Brittenway Toys
 <p>FITS 98% OF ALL BATHTUB FAUCETS</p>	
 <p>2 STURDY STRAPS</p> <p>4 STRONG SUCTION CUPS</p>	
 <p>2in1</p>	 <p>briteXway</p>